

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Chad Cori Huval, Venkata R. Garigapati, Keith K. Shackett and Danny  
Concagh

Application No.: 09/721,291 Group Art Unit: 1617

Filed: November 22, 2000 Examiner: Wang, Shengjun

For: FAT-BINDING POLYMERS

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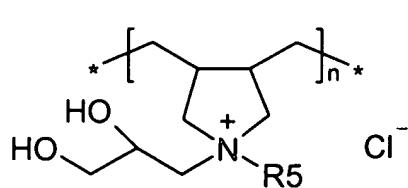
REPLY TO RESTRICTION REQUIREMENT

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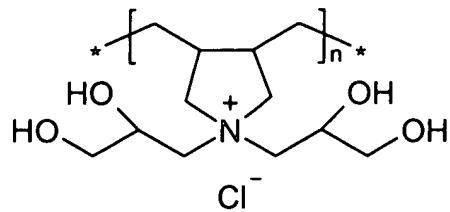
Sir:

Responsive to the Restriction Requirement dated December 10, 2001, the claims of Group V (Claims 42-48, 56-61 and 71-74) are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

The requirement is respectfully traversed with respect to Group VI (Claims 49-55 and 76). The claims of elected Group V are drawn to methods of using the polymer defined in Claims 42 and 56. The structures of the repeat units in the polymers recited in Claims 42 and 56 are shown below:



Claim 42

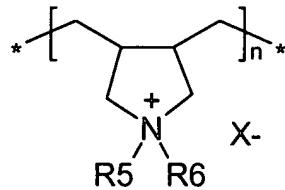


Claim 56

R5 = H or an alkyl chain from C<sub>1</sub> to C<sub>22</sub>.

The claims in Group VI are drawn to methods of using the polymer recited in Claim 49.

The structure of the repeat units of the polymer recited in Claim 49 is shown below:



Claim 49

R5 is H or an alkyl chain from C<sub>1</sub> to C<sub>22</sub> and R6 is H or an alkyl chain from C<sub>1</sub> to C<sub>22</sub>.

Thus, the repeat units of the polymers recited in the claims of Groups V and VI have the same core structure, i.e., a five membered, nitrogen-containing ring fused to the polymer backbone. The polymers in Group V differ from the polymers in Group VI only with respect to the substituents attached to the nitrogen atom in the five membered ring. Specifically, R5 and R6 in Claim 49 are H or a C<sub>1</sub> to C<sub>22</sub> alkyl group. One or both of the corresponding substituents in the polymers recited in Claims 42 and 56 are required to be dihydroxyalkyl.

It is respectfully submitted that there would be no additional search burden in examining the claims of Group VI along with those of Group V. The repeat units in these polymers have the same core structure and differ only by virtue of the substituents attached to the core structure, i.e., dihydroxyalkyl in the case of the claims of Group V, versus H or alkyl in the case of the claims of Group VI. Claims drawn to independent and distinct inventions should be examined when there is no additional search burden on the examiner:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP 803.

In summation, it is requested that the claims of Group VI be recombined and examined together with the claims of Group V.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By \_\_\_\_\_

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Dated: January 9, 2007